

*STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION*

# ***AGENDA***

*Wednesday, December 14, 2005  
9:00 a.m.*

<p><b>Water Quality Control Board Regional Board Meeting Room 9174 Sky Park Court San Diego, California</b></p>
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The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, November 30, 2005, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, December 7, 2005 will not be provided to the Regional Board members and will not be considered by the Regional Board. ***PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.***

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail must be submitted to: [rb9agenda@waterboards.ca.gov](mailto:rb9agenda@waterboards.ca.gov) to insure consideration by the Regional Board. Type the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.4, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, November 30, 2005.

*Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of order at the discretion of the Chairman.*

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting: November 9, 2005.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

*Consent Calendar: Items 5 through 9 are considered non-controversial issues. (NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed)*

5. Update of Waste Discharge Requirements: Anza Sanitary Landfill, County of Riverside (tentative Order No. R9-2005-0183) (*Amy Grove*)
6. Waste Discharge Requirements and Section 401 Water Quality Certification for Bently-Monarch J.V./Benteq, Cantarini Ranch and Holly Springs Projects, Carlsbad, San Diego County (tentative Order No. R9-2005-0230) (*Jeremy Haas*)
7. NPDES Permit Reissuance: Encina Wastewater Authority, Encina Water Pollution Control Facility and Satellite Wastewater Treatment Plants, Discharge to the Pacific Ocean via the Encina Ocean Outfall, San Diego County (tentative Order No. R9-2005-0219, NPDES No. CA0107395) (*Victor Vasquez*)
8. Revision of Waste Discharge Requirements: Eastern Municipal Water District, Temecula Valley Regional Water Reclamation Facility, Riverside County (tentative Addendum No. 2 to Order No. 2000-165) (*Charles Cheng*)
9. Administrative Assessment of Civil Liability against the City of Carlsbad for violations of Order No. 99-08-DWQ, Statewide General Construction Storm Water Permit, at the Municipal Golf Course project at 5800 Hidden Valley Road, Carlsbad, California, WDID No. 9 37C337203. The Regional Board will decide whether to accept the City's submitted payment of staff's recommended liability and waiver of the right to a public hearing, or to reject the offer and schedule a public hearing for the February 2006 Regional Board Meeting. (Tentative Order No. R9-2005-0277) (*Frank Melbourne*)

***Remainder of the Agenda (Non-Consent Items):***

10. Section 401 Water Quality Certification: KB Home, San Marcos Highlands Residential Project, County of San Diego. The Regional Board will consider the issuance of a technically conditioned Section 401 certification for impacts from the discharge of fill material to Agua Hedionda Creek. ***The public comment period for this item is closed.*** (Tentative Resolution No. R9-2005-0272) (*Christopher Means*)
11. Supplemental Environmental Project (SEP): JRMC Real Estate, Inc., Escondido, CA. The Regional Board will consider a \$200,000 SEP proposal. Proposal of a SEP is part of the settlement of the \$1.2 million Administrative Civil Liability Order (ACL) No. R9-2005-0237 adopted by the Regional Board on September 14, 2005, which allows the Discharger to satisfy up to \$200,000 of the liability to fund SEPs that are acceptable to the Regional Board. If the Regional Board does not approve the discharger's proposal by December 14, 2005, then JRMC will be required to direct the \$200,000 to the State Board's Cleanup and Abatement Account. (Tentative Resolution R9-2005-0262) (*Frank Melbourne*)
12. NPDES Permit Reissuances: Stormwater discharges from the following seven boat repair facilities adjacent to San Diego Bay: (*Tony Felix*)
  - a. Driscoll Custom Boats (tentative Order No. R9-2005-0147, NPDES Permit No. CA0109061);
  - b. Driscoll's West (tentative Order No. R9-2005-0148, NPDES Permit No. CA0109070);
  - c. Knight & Carver Yachtcenter (tentative Order No. R9-2005-0149, NPDES Permit No. CA0109088);
  - d. Koehler Kraft (tentative Order No. R9-2005-0150, NPDES Permit No. CA0109096);
  - e. Nielsen-Beaumont Marine (tentative Order No. R9-2005-0151, NPDES Permit No. CA0109100);
  - f. Shelter Island Boatyard (tentative Order No. R9-2005-0152, NPDES Permit No. CA0109118); and,
  - g. Southbay Boat Yard (tentative Order No. R9-2005-0153, NPDES Permit No. CA0109126).
13. Status Report: Total Maximum Daily Loads For Indicator Bacteria, Project I – Beaches and Creeks in the San Diego Region. The Regional Board will hear a presentation on the Project I Bacteria TMDLs by the Water Quality Standards Unit. The Bacteria TMDLs were developed from separate wet and dry weather modeling studies of 12 different watersheds, and are technically complex. The purpose of the presentation is to provide a brief overview of the technical aspects of the TMDLs. A public workshop on the TMDLs will be scheduled for January 2006, and a public hearing on the TMDLs is planned for the February 2006 Regional Board meeting. This is a status report item only. (*Julie Chan and Christina Arias*)
- Time 14. Workshop: A review of the requirement for fiscal assurances as required in the Municipal  
Certain Stormwater Permits in the San Diego Region. The Regional Board will review and discuss  
1:00 p.m. compliance with the regulatory requirement to establish sustained funding for the copermitttee stormwater program. Participation by dischargers and the public is encouraged. (*John Robertus*)
15. *Executive Session - Discussion of Ongoing Litigation*

The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:

*WILLIAM P. JOHNSON, an individual; and VAIL LAKE USA, LLC, a California limited liability company v. REGIONAL WATER QUALITY CONTROL BOARD – SAN DIEGO, a State of California board and DOES 1-50.* Superior Court of the State of California for the County of San Diego, Case No. GIC815227; Petition for Writ of Mandate and Complaint for Damages in regards to Administrative Civil Liability Order No. R9-2002-0027 for violations of the statewide Construction Storm Water Permit, Order No. 99-08-DWQ. (*Frank Melbourne*)

*Divers' Environmental Conservation Organization v. State Water Resources Control Board,* San Diego Superior Court, Case No. GIC819689. Petition for Writ of Mandate challenging waste discharge requirements for U.S. Navy, Naval Station San Diego based on absence of numeric effluent limits for toxic pollutants in discharges of storm water.

*Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region.* San Diego Superior Court, Case No. GIC 822750. Verified Petition for Writ of Mandate for Breach of Contract.

*Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region.* San Diego Superior Court, Case No. GIC 824706. Verified Petition for Writ of Mandate for Breach of Contract.

*People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al..* United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61

16. *Executive Session - Consideration of Initiation of Litigation*  
The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.
17. *Executive Session - Discussion of Pending Litigation*  
The Regional Board may meet in closed session to discuss pending litigation.
18. *Executive Session - Personnel*  
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
19. Arrangements for Next Meeting and Adjournment  
Wednesday, February 8, 2006 - 9:00 a.m.  
Water Quality Control Board  
Regional Board Meeting Room  
9174 Sky Park Court  
San Diego, California

### *Notifications*

A. On November 2, 2005 the Executive Officer issued Addendum No. 1 to Cleanup and Abatement Order No. 88-89 (CAO 88-89) to Singer Company, Electronic Systems Division, and BAE Systems Information and Electronic Systems Integration, Inc. for the former BAE Systems Aerospace facility located at 1370 San Marcos Boulevard, San Marcos, California, San Diego County. The discharge of chlorinated solvent waste and metals waste associated with the manufacture of electronic components has caused a condition of pollution in groundwater. Cleanup goals for soil and groundwater were originally established in 1988 as set forth in CAO 88-89. These cleanup goals were based on attaining the equivalent of drinking water standards. However drinking water standards do not provide a proper basis for setting cleanup levels at this site because the site is located in a non-beneficial use area. Addendum No. 1 was issued in order to a) establish new cleanup goals based on appropriate remedial objectives that are protective of human health and the environment; b) include additional cleanup levels for waste constituents not listed in CAO 88-89 and; c) establish cleanup goals based on the low potential for dissolved metals waste constituents in on-site groundwater to reach nearby surface waters. *(Peter Peuron)*

#### DIRECTIONS TO REGIONAL BOARD MEETING

- From Downtown: I-15 north - take the Aero Drive exit - turn left (west). Proceed to the 3<sup>rd</sup> stoplight, which is Ruffin Road – turn right. Turn left on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.
- From the North: I-15 south - take the Balboa Ave. exit - turn right (west). Proceed to the 2<sup>nd</sup> stoplight, which is Ruffin Road – turn left. Turn right on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.